

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WESLEY ELVIS PEDEN,
Plaintiff,
v.
TARIQ ZAMAN,
Defendant.

No. 2:23-cv-02267-DC-JDP (PS)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. No. 7)

Plaintiff Wesley Elvis Peden is proceeding *pro se* and *in forma pauperis* in this civil action. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 12, 2024, the assigned magistrate judge issued findings and recommendations recommending this action be dismissed, without prejudice, due to Plaintiff's failure to prosecute this action, failure to comply with a court order, and failure to state a cognizable claim. (Doc. No. 7.) Specifically, Plaintiff has failed to comply with the court's order dated November 8, 2024, in which Plaintiff's complaint was dismissed due to his failure to state a cognizable claim and Plaintiff was directed to file an amended complaint within thirty (30) days.¹

¹ The service copy of the court's November 8, 2024 order, which was mailed to Plaintiff at his address of record, was returned to the court on December 2, 2024, marked as "Undeliverable, Forward Time Expired, Unable to Forward." Pursuant to Local Rule 183, Plaintiff is required to file a notice of his change of address with the court by February 10, 2025.

(Doc. No. 6.) Plaintiff did not thereafter file an amended complaint or otherwise communicate with the court.

The pending findings and recommendations were served on Plaintiff's address of record and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (Doc. No. 7 at 3.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has passed.

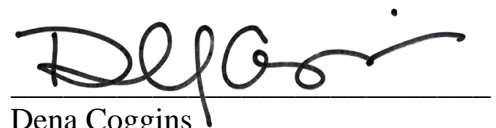
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on December 12, 2024 (Doc. No. 7) are adopted in full;
2. This action is dismissed without prejudice, due to Plaintiff's failure to prosecute this action, failure to comply with a court order, and failure to state a cognizable claim; and
3. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: January 13, 2025


Dena Coggins
United States District Judge